FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 3915 OF 2006

Pralhad Shivram Girgosavi ..... Petitioner

versus
The State of Maharashtra & ors. ... Respondents.

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri U.P.Warunjikar for the petitioner.
Shri S.R.Nargolkar AGP for Respdts.1/2.
Shri D.More for Respdt. no.3.

CORAM; V.G.PALSHIKAR Acg.C.J.&
V.M.KANADE, J.

DTAED: 20TH JULY, 2006.

P.C.

1. By this petition, the petitioner has challenged the order passed by the Director of Education, Pune in an appeal preferred by the petitioner in relation to his wrong fixation in the seniority list and denial of the consequential benefits. This was done by an earlier order of the department, which was not a

speaking order. Hence the petitioner moved this court, making grievance of the violation of principles of natural justice. Therefore the matter was remitted back to the authority to decide it afresh. Against that decision once again the petitioner moved this court and as the statutory appeal was available, he was relegated to that remedy and that appeal was considered and decided by the impugned order.

3. The contention is that inspite of direction by this court in the earlier writ petition, principles of natural justice have been violated by the appellate authority. A scrutiny of the impugned order shows that the petitioner was specifically called and heard on his grievance. The order also mentions that the respondents in the petitioner's appeal were invited for the hearing and all

were given adequate opportunity to represent their case. The contention is categorically examined and claim of the petitioner was then rejected by recording reasons. However, the contention on behalf of the petitioner is that the service record was perused by the appellate authority but there is no mention how that service record appears before the appellate authority. It is obvious that the appellate authority considers the records of the case from which the impugned order as also the appeal arose. Respondent no.3 was invited to participate in the hearing. A copy of the service book is always available to the concerned employee and therefore the contention that how it came on record or how it came to be issued by the Director is not the matter and therefore consideration of the service book

is the consideration of extraneous matter. We are unable to accept this contention. The petitioner claims that he is Rashtrabhasha Pandit but the record does not reflect it. It is therefore the word of the petitioner against the record, existence of the record with the authority cannot be termed as illegality.

4. The petitioner has also made a grievance in the promotion of Respondent no.6. The petitioner has effective alternate remedy to challenge the same. Reserving that remedy to the petitioner, this petition is dismissed as devoid of any merit.

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